

REMARKS

The application has been amended as needed so as to place it in condition for disposal at the time of the next Official Action.

The Official Action had objected to claim 5, as the expression "said belt portion" in line 9 of claim 5 should instead recite --said belt portions--. By the present amendment, it will be seen that claim 5 has been amended as was helpfully suggested by the Examiner in her Official Action.

Claims 5-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over HJORTH 6,626,882. The Official Action states that the patented reference discloses an absorbent article comprising a liquid permeable topsheet (3), a liquid impermeable backsheet (2) and an absorbent body enclosed therebetween (4). The article has a front portion, a rear portion and a crotch portion therebetween, and a pair of belt portions comprising a first belt portion attached to one side of the rear portion (9), and a second belt portion attached to an opposite side of the rear portion (10). The first belt portion carries first fastening means (11), which in use, are attached against the outside of the second belt portion. The front portion exhibiting second fastening means (8) which in use are attached to the belt portions such that the article will assume a pant shape, where the belt portions form a part of the waist portions of the pant. Each belt portion is provided with at least one indicium placed

at an appropriate distance from an attachment of each belt portion to the rear portion. Each indicium on the first belt portion has a corresponding indicium on the second belt portion, and each indicium on the first belt portion is allegedly symmetrically disposed in a longitudinal direction of the belt portions with a corresponding indicium on the second belt portion.

The Official Action states that the patented reference does not explicitly state that in use, a center line of the article is located at the center of the wearer's back. It is concluded that it would have been obvious to one of ordinary skill in the art to place a center line of the patented article at a center of the wearer's back to ensure that the article provides the expected functions. The rationale for this conclusion is that if a center line of the article is not placed on a center of a wearer's back, then one would expect that the article may leak from the sides and allow undesirable soiling, and also cause discomfort to the wearer due to the unnatural positioning of the leg and waist elastics.

Reconsideration of the above rejection is respectfully requested for the following reasons.

The patented references describes an absorbent article, characterized in that the two ends of the belt portions are of a different color or different geometry to allow them to be

distinguished by those with poor eyesight or low lighting conditions.

In sharp contrast to the conclusion advanced in the Official Action, the patented reference does not disclose that "each indicium of the first belt portion is symmetrically disposed in a longitudinal section of the belt portions with the corresponding indicium on the second belt portion", as is recited in Applicant's independent claim 5.

The Official Action makes reference to Figure 1 in this regard. However, Figure 1 of the patented reference does not specify the exact disposition of the two indicia and does not require that they be symmetrically disposed in a longitudinal direction. Indeed, it would appear from Figure 1 of the patented reference that the two belts have different lengths, thereby suggesting that the indicia are not symmetrically disposed.

For an explanation of the phrase "symmetrically disposed" and its importance with respect to the herein-claimed invention, the Examiner is kindly directed to page 5, first paragraph of the original specification. There, it is specified that the belt portions (9,10) are each provided with at least one indicium (12). The indicia (12) on the opposite belt portions are symmetrically placed in the longitudinal direction of the belt portions (9,10) at a certain distance from the attachment (13) of each belt portion to the rear portion of the absorbent article. Thus, each indicium (12) on one belt portion (9) has

its corresponding indicium on the opposite belt portion (10), placed at essentially the same distance from the attachment (13) of each belt portion to the rear portion (6) of the article. Upon application of the article, the belt portions are first attached around the waist of the wearer and the indicia (12) on the different belt portions are fitted against each other and are levelled against the navel of the user. Thereby, it is ensured that the center line (14) of the article is located at the center of the back of the user, since the position of the navel gives the center position on the front side of the user. It follows that the share of the belt portion (9) extending in one direction from the attachment (13) of the belt portion (9) to the rear portion (6) around the user is equally large as the share of the belt portion (10) extending in the other direction around the user.

By contrast, the problem addressed by the patented reference to HJORTH is to provide a diaper or continence guard which shows a user how to apply such a product. (See column 1, lines 58-61). This is especially the case for elderly people, or people with bad eyesight (Column 1, lines 50-55). The patented reference makes no mention of the problems associated with poor fit, especially with centering the article on the back of the user. The conclusion advanced in the Official Action that it would have been obvious to one of ordinary skill in the art to have placed a center line on the article of HJORTH at a center of

the wearer's back is predicated on impermissible hindsight. Indeed, it is only with knowledge gleaned from Applicant's disclosure that the above conclusion was reached. It is respectfully submitted that the Office Action merely restates the problem to be addressed, yet provides no suggestion of the solution provided by the newly claimed invention. Clearly, the center of the wearer's back and the center line of the article are two separate considerations, and aligning them is a desirable outcome. However, there is simply no reason, motivation or suggestion from a fair reading of the patented reference to simply "place a center line on the article of HJORTH at a center of the wearer's back", as there can be no guarantee that alignment will be achieved.

In sharp contrast to the patented reference, the herein claimed article allows the center line thereof to be correctly placed with respect to center of the wearer's back. The functional recitation at the end of Applicant's claim 5, links the symmetrical disposition of the indicium to the location of the center line of the article, allowing correct placement of the article. Moreover, even if a person skilled in the art would somehow consider placing a center line on the article of HJORTH, there would be no teaching, motivation or suggestion in this patented reference which would ensure such a center line is located at a center of the wearer's back during use.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance. Reconsideration and allowance are accordingly earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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